

**IN THE UNITED STATES DISTRICT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Ralph Stoddard	:	
	:	CASE NO.
	:	
Plaintiff,	:	STATE COURT CASE NO. 2021cv00737
	:	
v.	:	JUDGE
	:	
	:	
URSA Major Corporation d/b/a	:	
URSA Logistics	:	
	:	
And	:	
	:	
Evo Transportation and Energy Services	:	
	:	
	:	
Defendants.	:	

**DEFENDANTS' NOTICE OF REMOVAL**

Pursuant to 28 USC § 1331, 1441 and 1446, Defendants URSA Major Corporation d/b/a URSA Logistics (“URSA Major Corporation”) and Evo Transportation and Energy Services (“Evo Transportation”) (collectively referred to as “Defendants”) by and through undersigned counsel, hereby files this Notice of Removal to this Court of an action pending against them in the Mahoning County, Ohio Court of Common Pleas. Removal is based on the following grounds:

1. On May 3, 2021, Plaintiff Ralph Stoddard (“Plaintiff”) commenced an action against Defendants in the Mahoning County, Ohio Court of Common Pleas, in a case captioned *Ralph Stoddard v. URSA Major Corporation d/b/a URSA Logistics and Evo Transportation and Energy Services.*, No. 2021CV00737 (hereinafter, the “State Court Action”). On May 7, 2021, Plaintiff amended his Complaint.

2. Attached hereto as Exhibit 1 are true and correct copies of the Complaint, the Amended Complaint, the Docket, and the Summons.

3. All pleadings in the State Court Action have been attached to this removal.

4. All Defendants consent to this removal.

### **TIMELY REMOVAL**

5. On May 11, 2021 Plaintiff served a Summons and a copy of the Complaint on Defendants. The dates of service are reflected on the Docket, which is attached hereto as Exhibit 1.

1. Defendants have not yet answered Plaintiff's Complaint. Defendants' will answer the Complaint pursuant to the time period set forth in Rule 81(C)(2) of the Federal Rules of Civil Procedure.

2. This Notice of Removal is being filed within thirty (30) days after Defendants were served with the Summons and Complaint (May 11, 2021) in the State Court Action and, therefore, is timely pursuant to 28 U.S.C. § 1446(b).

### **JURISDICTION AND VENUE**

3. The State Court Action is not a non-removable action as described in 28 U.S.C. § 1445.

4. This Court has jurisdiction under 28 U.S.C. § 1331.

5. Plaintiff has alleged a violation of federal law.

6. Specifically, Plaintiff's Complaint asserts claims under 28 U.S.C. § 2601, et seq. – the Family And Medical Leave Act ("FMLA").

7. District courts "have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331. The instance in which "a

case arises under federal law” is “when federal law creates the cause of action asserted.” *Gunn v. Minton*, 133 S. Ct. 1059, 1064 (2013).

8. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the Complaint involves and is predicated upon a federal question, Plaintiff’s claim under the FMLA.

9. Venue is proper in the United States District Court for the Northern District of Ohio, Eastern Division pursuant to 28 U.S.C. §§ 1391 and 1441(a), because it encompasses the county in which this action is currently pending.

10. Accordingly, Defendants are entitled to remove this action to this Court under 28 U.S.C. § 1441 as this Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

### **NOTICE**

11. Pursuant to 28 U.S.C. § 1446(d), promptly upon the filing of this Notice, Defendants will serve written notice of removal to the Plaintiff through his counsel and Defendants will file a copy of this Notice of Removal with the Clerk of Court for the Mahoning County, Ohio Court of Common Pleas. A copy of Defendants’ Notice to State Court of Removal of Action to Federal Court is attached hereto as Exhibit 2.

WHEREFORE, Defendants hereby remove this action now pending against it in the Mahoning County, Ohio Court of Common Pleas, to this Honorable Court, and requests that this Court retain jurisdiction for all further proceedings.

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Respectfully submitted,

/s/ David A. Campbell

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**CERTIFICATE OF SERVICE**

I hereby certify that on this this 25<sup>th</sup> day of May 2021, the foregoing was filed through the Court's CM/ECF electronic filing system. A copy of this filing will be sent to all parties through the court's ECF system. If a party is not registered with the court's ECF system, a true and correct copy will be sent via email and U.S. Mail, postage prepaid, upon the following:

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*Attorney for Plaintiff*

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*One of the Attorneys for Defendants*